

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 326 of 2000

in

SPECIAL CIVIL APPLICATION No 5570 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

and

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT WORKING CLASS UNION

Versus

HOECHST MARION ROUSSEL LTD  
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Appearance:

Mr. Shalin Mehta for GIRISH PATEL ASSOC for Appellant  
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CORAM : MR.JUSTICE R.K.ABICHANDANI

and

MR.JUSTICE A.K.TRIVEDI

Date of decision: 16/08/2000

ORAL JUDGEMENT ( Per: R.K. Abichandani,J.)

The appellant challenges the judgment and order passed by the learned Single Judge dismissing the petition which was directed against the order of the Tribunal refusing interim relief on the ground that the

very basis for interim relief i.e. the relationship of employer and employee was not established.

2. The grievance of the appellant-Union is that in most of the contract labour matters, the arrangement is such that it will not be possible to trace who is the real employee, and therefore, the interim relief ought not to have been refused merely on the ground that employer and employee relationship was not established.

3. The interim relief sought by the Union was that the service conditions of the employees should not be varied by the respondent-Companies who were being supplied contract labour by the respondent no.4. The Tribunal in a detailed order on the basis of the material on record came to a finding that, prima facie, the relationship of employer and employee qua the respondents nos.1, 2 and 3 were not established. In the process, the Tribunal relied upon the admissions which were made by the employee that no order of appointment was given by any of the Companies. According to the admission made, which is referred to in paragraph 7 of the Tribunal's order, it was not even known as to who was paying the salaries. It was admitted that the Companies have not committed any breach of service conditions. The Tribunal observed that it was premature, before finding as to whose employees they were, to grant any interim relief. It is clear that the Tribunal acted in lawful exercise of its jurisdiction on the basis of the material on record warranting no interference with that order by the learned Single Judge. The appeal, is therefore, summarily dismissed.

(R.K.Abichandani,J.)

(A.K.Trivedi,J.  
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